

# Exhibit 33

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 CASE NO. 10-cv-03561-WHA (DMR)

4 ORACLE AMERICA, INC.,  
5 Plaintiff,

6  
7 vs.

8 GOOGLE INC.,  
9 Defendant.

10 - - - - -

11  
12 DEPOSITION OF: MICHAEL RINGHOFER

13  
14 TRANSCRIPT of the stenographic notes of  
15 the proceedings in the above-entitled matter as  
16 taken by and before RUTHANNE UNGERLEIDER, a  
17 Certified Court Reporter and Notary Public, held at  
18 the office of ORRICK, HERRINGTON & SUTCLIFFE, LLP,  
19 51 West 52nd Street, New York, New York, on  
20 Thursday, March 31, 2016, commencing at  
21 approximately 2:09 in the afternoon.

22  
23  
24  
25 Job No. CS2279519

1 Amazon?

2 A Yes.

3 Q Okay.

4 But you don't know why Amazon chose

5 Android for the Kindle Fire?

6 A No.

7 Q What about with Samsung, do you know why

8 Samsung uses Android for its smart phones?

9 A Again, I don't know all the reasons, no.

10 Q Do you know any of the reasons?

11 A It's free.

12 Q Any other reasons?

13 A No.

14 Q So you have no knowledge of why Samsung

15 would pay for Java on low-end feature phones but

16 chose Android for higher-end smartphones?

17 A No.

18 MS. LEWIS-GRUSS: Objection.

19 Q You have no opinions on that whatsoever?

20 MS. LEWIS-GRUSS: Objection.

21 A No.

22 Q Do you have any opinions on why any

23 mobile device manufacturer would choose Android over

24 Java?

25 MS. LEWIS-GRUSS: Objection.

Veritext Legal Solutions

800-567-8658

973-410-4040

1 A Because it's free.

2 Q Okay, any other reasons?

3 A No.

4 Q So it's your testimony that you're not

5 aware of any advantage that Android offers over Java

6 other than price?

7 A So Android -- so Java is part of

8 Android, but Android has more than just Java. So

9 there is OS, there is a browser, there is other

10 things that would interest them besides price.

11 Q So do you believe that those other

12 things, as you put it, in Android are a significant

13 selling point to the OEMs who choose to use Android?

14 MS. LEWIS-GRUSS: Objection.

15 A I don't think so.

16 Q You don't think so?

17 A No.

18 Q So why did you mention it in response to

19 my question just now?

20 A You asked if there was anything outside

21 of price.

22 Q Okay.

23 So do you believe that those are reasons

24 why OEMs use -- strike that. I'll start over.

25 Do you believe that the fact that

Veritext Legal Solutions

800-567-8658

973-410-4040

1 Android is a full stack operating system is a reason

2 why OEMs choose to use Android over Java?

3 A No, I don't.

4 Q Then why did you mention it in response

5 to my question?

6 A Because you asked if there could be

7 other ideas besides price.

8 Q Maybe I'm missing the disconnect.

9 Could you explain to me the gap between

10 your two answers there? I mean, you agree that OEMs

11 might value the other things that Android has to

12 offer beyond just the 37 Java APIs?

13 A It's possible.

14 Q Do you believe that to be true?

15 A I don't think that's significant, no.

16 Q Do you believe it to be true at all?

17 MS. LEWIS-GRUSS: Objection.

18 A No.

19 Q You don't think the OEMs place any value

20 on any of the other parts of the Android platform

21 other than the structure, sequence and organization

22 of the Java APIs?

23 MS. LEWIS-GRUSS: Objection.

24 A There could be some value they see, yes.

25 Yes.

Veritext Legal Solutions

800-567-8658

973-410-4040

1 Q Okay.

2 A Okay.

3 Q Do you think that's a significant value

4 to the OEMs?

5 MS. LEWIS-GRUSS: Objection.

6 A I don't think it's significant, no.

7 Q Okay.

8 And so you're not aware, then, of any

9 other reason why an OEM would choose Android over

10 Java?

11 MS. LEWIS-GRUSS: Objection.

12 A No.

13 Q Do you think that the existence of an

14 operating system within Android is an important

15 selling point with OEMs?

16 MS. LEWIS-GRUSS: Objection.

17 A I don't think it's an important selling

18 point since there is a number of operating systems

19 that have been in play over. So it's not the only

20 operating system that has come about. So, no, I

21 don't think that is a key selling point.

22 Q Currently, would an OEM need an

23 operating system to run Java ME or Java SE on their

24 device?

25 MS. LEWIS-GRUSS: Objection.

Veritext Legal Solutions

800-567-8658

973-410-4040